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June 2, 2022

VIA ECF

Hon. Jon S. Tigar
United States District Court for the
Northern District of California
Oakland Courthouse
Courtroom 6, 2nd Floor
1301 Clay Street
Oakland, CA 94612

Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, Master File No. 4:07-cv-05944-JST, MDL No. 1917

Your Honor:

We write regarding the Stipulation and Order Re Case Schedule, ECF No. 6016, which the Court recently entered. The Court modified some of the dates the parties proposed resulting in a new trial date of March 13, 2023. Unfortunately, due to a scheduling conflict, that trial date does not work for IPPs' lead trial counsel, Joseph Goldberg.

Mr. Goldberg is scheduled to begin another three-week trial (in which he is also the lead trial lawyer) on May 1, 2023.¹ Mr. Goldberg scheduled this May 2023 trial in reliance on the original January 30, 2023 start date for the trial of this case. IPPs agreed to Irico's most recent request to extend the dates for the pretrial schedule and trial (which was due to the delays in scheduling depositions of Chinese witnesses due to the COVID-19 pandemic and the unavailability of IPPs' expert witness for a deposition before the close of expert discovery) on the understanding that the parties would jointly propose the February 13, 2023 trial date, and that Mr. Goldberg could not begin the CRT trial any later than that time in order to leave enough time to prepare for the May 1, 2023 trial.

Accordingly, the parties respectfully request that the Court reconsider the parties' jointly proposed schedule with the February 13, 2023 trial date.

If, however, the February 13, 2023 trial date does not work for the Court, the parties disagree on how we should proceed. IPPs propose that the Court modify the

¹ See attached Pretrial Scheduling Order dated February 21, 2022, entered in *Cummings, et al. v. Board of Regents of the Univ. of New Mexico, et al.*, No. D-202-CV-2001-00579, N.M. Second Judicial District Ct.

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schedule again and return to the original dates for the motions in limine through trial. In other words, the deadlines for briefing on *Daubert* and dispositive motions would be the new dates ordered by the Court in ECF No. 6016, with the hearing on any such motions on October 13, 2022. But the motions in limine would be due on the original date of November 10, 2022, and IPPs' trial would begin on January 30, 2023.

Irico opposes this proposal. Irico believes that this schedule would be unworkable in that it would compress the necessary intervals that the Court had previously set and would not allow for orderly preparation for trial (e.g., to address fact discovery and *Daubert* motions, to adjudicate dispositive motions prior to considering motions in limine, etc.). If the Court is not available to start the trial on February 13, 2021, Irico believes a later date should be selected.

Thank you for your time and attention to this matter.

Very truly yours,

/s/ Mario N. Alioto

Mario N. Alioto

Lead Counsel for the Indirect Purchaser Plaintiffs

/s/ John M. Taladay

John M. Taladay

*Counsel for Defendants Irico Group Corp. and
Irico Display Devices Co., Ltd.*

cc. All Counsel via ECF

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
2/21/2022 10:01 AM
CLERK OF THE COURT
Edna Kasuse

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT**

**MARIA CUMMINGS, individually and
as personal representative of the
ESTATE OF SHAUN MICHAEL CHAVEZ;
JANA VALLEJOS, individually
and as personal representative of the
ESTATE OF DONOVAN VALLEJOS; and
LEON SALAZAR, individually,
on behalf of themselves and
ALL OTHERS SIMILARLY SITUATED,**

Plaintiffs,

v.

**No. D-202-CV-2001-00579
(As consolidated with
No. D-202-CV-2001-01409)**

**BOARD OF REGENTS OF THE UNIVERSITY OF
NEW MEXICO, et al.,**

Defendants.

RULE 1-016 NMRA PRETRIAL SCHEDULING ORDER

The Court, after a hearing held January 19, 2022 and having reviewed the various submissions and conferred with counsel, pursuant to Rule 1-016 NMRA, hereby orders:

1. All parties shall be ready for trial and this case will be set for trial commencing on May 1, 2023. This is a jury case. The estimated length of the trial is 3 weeks. Trial shall commence at 9:00 a.m. and conclude at 5:00 p.m. with a noon until 1:30 p.m. lunch recess.
2. The following motions are outstanding:
 - a. Plaintiff's Motion to Compel UNM to Comply with the Court's March 30, 2020 Order;
 - b. Plaintiffs' Motion for Spoliation Sanctions;
 - c. Defendant's Motion to Dismiss Vicarious Liability Claims Against UNM;
 - d. UNM's Motion for Summary Judgment on Leon Salazar's Claims;
 - e. Defendant's Motion for Protective Order as to Rule 1-030(B)(6) Deposition;

f. Defendant's Motion for Protective Order as to Deposition of UNM Records

Custodian: and

g. Defendant's Motion to Strike Expert Testimony.

The moving party may file supplemental briefs on their respective outstanding motions by February 11, 2022, if they wish to supplement their positions. The opposing party may file responses (or their own supplement to the opposing party's motion(s) in the event the opposing party chooses not to file a supplemental brief) no later than February 23, 2022. A hearing will be held May 2, 2022.

3. The following pretrial deadlines shall apply:

<u>Event</u>	<u>Deadline</u>
Plaintiffs' supplemental expert reports (post class certification)	Thursday, September 29, 2022
Defendant's expert reports	Friday, November 4, 2022
Plaintiffs' reply expert reports	Thursday, December 8, 2022
Close of Discovery	Wednesday, December 21, 2022
All counsel and parties with authority to settle the case shall participate in mediation. The parties shall attempt to agree on a person to serve as the settlement mediator. If the parties are unable to agree on a settlement facilitator by December 12, 2022 the Plaintiff and Defendants each shall submit to the Court a list of their three preferred choices. Such a list shall be presented to the Court by letter dated not later than December 16, 2022. The Court will then appoint the person to serve as settlement mediator, whose fees shall be shared equally by all the parties.	Thursday, February 16, 2023
Summary Judgment and <i>Daubert</i> motions deadline (Parties may file earlier)	Wednesday, December 21, 2022

<u>Event</u>	<u>Deadline</u>
Responses to Summary Judgment and <i>Daubert</i> motions (for motions filed prior to December 21, 2022, responses are due according to Rule 1-007.1 NMRA)	Monday, January 23, 2023
Replies ISO Summary judgment and <i>Daubert</i> motions (for motions filed prior to December 21, 2022, replies are due according to Rule 1-007.1 NMRA)	Tuesday, February 16, 2023
Plaintiffs' list of lay witnesses who may be called to testify at trial	Monday, February 6, 2023
Defendants' list of lay witnesses who may be called to testify at trial	Tuesday, February 21, 2023
Parties shall file with the Court simultaneous exhibit lists.	Monday, March 6, 2023
The parties shall exchange copies of all exhibits intended to be introduced at the trial on the merits. Parties shall agree upon the method & timing to exchange electronic files of exhibits	Monday, March 13, 2023
Parties shall file specific objections to other parties' proposed exhibits	Monday, March 20, 2023
Parties shall file deposition designations for trial simultaneously. Designations to be noted by page and line. If designations are by video, each party will be responsible for editing their own designations to play at trial. Video designation to be noted by hour and minute.	Monday, February 6, 2023
Counter-designations should include only that testimony within the scope of the designated testimony that is necessary for fair and complete testimony on the issues identified	Tuesday, February 21, 2023
Objections to any deposition designation(s) Responses to any deposition designation objections are due 10 days after service. No replies regarding deposition designations will be permitted.	Friday, March 3, 2023
Final deposition designations to be submitted to Court	Tuesday, March 28, 2023
Plaintiffs shall submit their portions of a pre-trial order to defendants	Thursday, March 23, 2023
Defendants submit to Plaintiffs proposed pre-trial order with additions	Thursday, April 6, 2023

<u>Event</u>	<u>Deadline</u>
Plaintiffs shall submit final pre-trial order with Defendant's insertions to the Court	Thursday, April 13, 2023
Any motions <i>in limine</i>	Friday, March 31, 2023
Jury instructions shall be filed and presented to the court in three packets as follows: a) one packet with instructions stipulated to by both parties; b) one packet with Plaintiffs' additional proposed instructions; and 3) one packet with Defendants additional proposed instructions.	Friday April 14, 2023
<p>During trial:</p> <p>Parties are to provide electronically or in writing to opposing counsel a list of witnesses to be presented the following day by no later than 12 pm the day before (by 5 pm Friday for Monday testimony);</p> <p>Parties are to provide to opposing counsel electronic files for any demonstratives to be used the following day no later than 5 pm the day before those demonstratives to be used (by 5 pm Friday for Monday use)</p>	

4. The provisions of this order may be modified only by Court Order upon a showing of good cause. A motion and order are required for any modification. Motions for modifications shall state a basis therefore, beyond agreement of counsel.

5. The provisions of this order apply to substituted counsel.

6. If this case is settled, the parties shall immediately so advise the Court and shall advise the Court of hearing dates affected.

Dated: February 21, 2022


 JUDGE DANIEL E. RAMCZYK
 DIVISION VI

APPROVED:

/s/ Joseph Goldberg

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